

The Hon. Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID CHRISTOPHER PITTS,

Defendant,

and

ERIC ALLEN BLOSFIELD,

Third Party Claimant.

NO. CR22-44-RAJ

**STIPULATION AND ORDER
SETTLING THIRD-PARTY CLAIM
TO FIREARM**

The United States and Third-Party Claimant Eric Allen Blossfield present the following stipulation (“Stipulation”) and proposed order to settle the interest Mr. Blossfield has asserted in the E3 Arms Omega-15 .223 cal. rifle with scope bearing serial number AO2889 (“Subject Firearm”) that was forfeited by the defendant, David Christopher Pitts, in this case.

I. RELEVANT PROCEDURAL FACTS

The defendant in this case agreed to forfeit his interests in the Subject Firearm, among other assets, pursuant to the plea agreement he entered with the United States on November 15, 2022. Dkt. No. 26. Prior to the defendant’s sentencing, the Court entered an Amended Preliminary Order of Forfeiture forfeiting the defendant’s interest in the

1 Subject Firearm, among other assets. Dkt. No. 41. Thereafter, as required by 21 U.S.C.
 2 § 853(n)(1) and Fed. R. Crim. P. 32.2(b)(6)(C), the United States published notice of the
 3 Amended Preliminary Order of Forfeiture and the government's intent to dispose of the
 4 Subject Firearm, among other assets, in accord with governing law. Dkt. No. 42. That
 5 notice informed any third parties claiming interests in any of the assets included in the
 6 Amened Preliminary Order of Forfeiture that they were required to file petitions with the
 7 Court within 60 days of the notice's first publication on April 12, 2023. *Id.* As required
 8 by Fed. R. Crim. P. 32.2(b)(6)(A), the United States also sent notice and a copy of the
 9 Amended Preliminary Order to parties, including Mr. Blossfield, who appeared to be
 10 potential claimants based on the underlying investigative material.
 11

12 Mr. Blossfield filed a timely claim to the Subject Firearm on May 25, 2023.
 13 Dkt. No. 43. In his claim, Mr. Blossfield asserts that he is the rightful owner of the Subject
 14 Firearm, and in a separate statement provided to the United States, asserts that it was
 15 stolen from him. No competing claims to the Subject Firearm have been filed, and the
 16 period for doing so expired on June 7, 2023.

17 II. STIPULATION

18 The United States and Mr. Blossfield HEREBY STIPULATE to the following facts:

19 1. In support of his claim, Mr. Blossfield asserts he purchased the Subject
 20 Firearm from Starlos Firearms, LLC, in Olympia, Washington, on May 4, 2014.

21 Mr. Blossfield provided a signed statement, under penalty of perjury, that the Subject
 22 Firearm was stolen from his residence in Bothell, Washington.

23 2. The information provided by Mr. Blossfield is consistent with information
 24 contained on the firearms trace report for the Subject Firearm ("Tracing Report")
 25 prepared by the United States Department of Justice, Bureau of Alcohol, Tobacco,
 26 Firearms and Explosives ("ATF"). The Tracing Report confirms Mr. Blossfield was the
 27 last individual to purchase the Subject Firearm from a Federal Firearms Licensee ("FFL")
 and further confirms the FFL was Starlos Firearms LLC in Olympia, Washington.

1
2 3. United States Department of Justice, Federal Bureau of Investigation
3 (“FBI”), has confirmed that Mr. Blossfield has no identifiable criminal history that would
4 preclude him from possessing a firearm at this time.

5 4. Mr. Blossfield affirms that neither he nor any person living in his residence
6 is prohibited from possessing a firearm.

7 5. Based on the information and affirmations reflected in Paragraphs 1–4, the
8 United States agrees that Mr. Blossfield had a vested interest in the Subject Firearm,
9 pursuant to 21 U.S.C. § 853(n)(6)(A), before the defendant in this case possessed it.

10 6. The United States recognizes Mr. Blossfield’s vested interest in the Subject
11 Firearm and agrees the government will return the firearm to Mr. Blossfield following the
12 criminal proceedings in this case, to include any criminal appeal. The seizing agency,
13 FBI, will effect the return of the firearm to Mr. Blossfield.

14 7. Mr. Blossfield understands the Subject Firearm constitutes evidence in this
15 case and cannot be returned prior to the completion of these criminal proceedings, to
16 include any criminal appeal.

17 8. Mr. Blossfield understands and agrees the Subject Firearm will be returned
18 to him in its current condition, as it was seized from the defendant in this case.

19 9. Mr. Blossfield understands and agrees that this Stipulation fully and finally
20 resolves his claim to the Subject Firearm. Mr. Blossfield waives any right to further
21 litigate or pursue his claim, in this or any other proceeding, judicial or administrative.

22 10. Upon return of the Subject Firearm, Mr. Blossfield agrees to release and
23 hold harmless the United States, its agents, representatives, and/or employees, as well as
24 any involved state or local law enforcement agencies, their agents, representatives, and/or
25 employees, from any and all claims Mr. Blossfield may possess, or that could arise, based
26 on the seizure, detention, and return of the firearm.
27

11. The United States and Mr. Blossfield agree they will each bear their own costs and attorneys' fees associated with the seizure, detention, and return of the pistol, as well as with Mr. Blossfield's claim and this Stipulation.

12. The United States and Mr. Blossfield agree the terms of this Stipulation are subject to review and approval by the Court, as provided in the proposed Order below. If the Court enters the proposed Order, a violation of any term or condition of this Stipulation shall be construed to be a violation of that Order.

Respectfully submitted,
TESSA M. GORMAN
Acting United States Attorney

DATED: July 27, 2023

s/Jehiel I. Baer
JEHIEL I. BAER
Assistant United States Attorney
United States Attorney's Office
700 Stewart Street, Suite 5220
Seattle, WA 98101
(206) 553-2242
Fax: (206) 553-6934
Jehiel.Baer@usdoj.gov

DATED: July 26, 2023

s/Eric Allen Blossfield
ERIC ALLEN BLOSSFIELD
Third-Party Claimant
2617 106th Dr. NE
Lake Stevens, WA 98258
(425) 220-5887
eric.blossfield@gmail.com

ORDER

The Court has reviewed the above Stipulation between the United States and Third-Party Claimant Eric Allen Blossfield settling the interest Mr. Blossfield has asserted in the E3 Arms Omega-15 .223 cal. rifle with scope bearing serial number AO2889, Dkt. No. 43, which has already been forfeited by the defendant in this case, Dkt. No. 41. The Court HEREBY APPROVES the Stipulation and its terms.

IT IS SO ORDERED.

DATED this 31st day of July, 2023.

A handwritten signature in black ink, reading "Richard A. Jones", written over a horizontal line.

The Honorable Richard A. Jones
United States District Judge